UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,436	11/07/2001	Mark A. Kirkpatrick	60027.0075US01/BS01302	9937

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EXAMINER
DODDS, HAROLD E

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/045,436	KIRKPATRICK ET AL.
	Examiner	Art Unit
	Harold E. Dodds, Jr.	2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 December 2004</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for
all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

.   This application currently names joint inventors. In considering patentability of
the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of
the various claims was commonly owned at the time any inventions covered therein
were made absent any evidence to the contrary. Applicant is advised of the obligation
under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was
not commonly owned at the time a later invention was made in order for the examiner to
consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)
prior art under 35 U.S.C. 103(a).

2.   Claims 1, 4-6, 10, 15, and 16 are rejected under 35 U.S.C. 103(a) as
being unpatentable over Hamlin et al. (U.S. Patent No. 6,477,504), Piller (U.S. Patent
No. 6,622,175), and Hertzog et al. (U.S. Patent Publication No. US 2003/0069874).

3.   Hamlin renders obvious independent claim 1 by the following:

"...maintaining a survey database..." at col. 13, lines 45-49.

"...the database comprising the one or more questions..." at col. 13, lines 45-49 and col.
14, lines 12-14.

"...for each question..." at col. 14, lines 12-14.

"...receiving a request for a network resource including the electronic survey..." at col. 5, lines 14-22.

"...in response to the request..." at col. 12, lines 27-29.

"...should be utilized to respond to the request..." col. 6, lines 13-14 and col. 12, lines 27-29.

"...should not be utilized to respond to the request..." at col. 6, lines 13-14 and col. 12, lines 27-29.

"...for displaying the questions..." at col. 7, lines 2-17.

"...and the input fields..." at col. 11, lines 27-29 and col. 10, lines 37-39.

"...in a web browser..." at col. 5, lines 62-65.

"...as a response to the request for a network resource..." at col. 12, lines 27-29 and col. 5, lines 14-22.

Hamlin does not teach the use of class files, markup languages, and field types.

4.   However Piller teaches the use of class files as follows:

"...determining whether a previously compiled class file..." at col. 6, lines 11-17.

"...in response to determining that a previously compiled class file..." at col. 6, lines 11-17.

"...creating an executable class file..." at col. 9, lines 19-22.

"...by executing the class file..." at col. 9, lines 19-22.

The term "before" is used to represent "previously" in the "previously compiled class file".

It would have been obvious to one ordinarily skilled in the art at the time of the

invention to combine Piller with Hamlin to use class files with databases to store survey

questions in order to allow users of the system the use of modern standard technology

for the storage of data in a database and gain greater acceptance of the system. Hamlin

and Piller have related applications and use related technologies. They teach the use of

computers, the use of networks, the use of clients, the use of servers, the sending of

requests, and the sending of responses. Hamlin provides the survey database with

questions, the sending of requests, the sending of responses, and using web browsers

and Piller provides compiled class files.

Piller does not teach the use of markup languages and the use of field types.

5.   However. Hertzog teaches the use of markup languages and the use of

field types as follows:

"...and data identifying a type of input field..." at p. 8, par. 0094.

"...capable of generating markup language..." at p.10, par. 0109.

"...generating the markup language..." at p.10, par. 0109.

"...and returning the markup language..." at p. 19, par. 0206.

It would have been obvious to one ordinarily skilled in the art at the time of the

invention to combine Hertzog with Hamlin and Piller to use markup languages to

process the class files in order to allow transfer of information in the class files over the

network through the use of standard technology and gain greater acceptance of the

system. Likewise, it would have been obvious to one ordinarily skilled in the art at the

time of the invention to combine Hertzog with Hamlin and Piller to use definitions of field

types in a database in order to provide information on the formats of questions,

response data, and criteria for the ranges and types of data in these fields in order to

provide flexability of the system and gain greater acceptance of the system. Hamlin,

Piller, and Hertzog have related applications and use related technologies. Hamlin,

Piller, and Hertzog teach the use of computers, the use of networks, the use of clients,

the use of servers, the sending of requests, and the sending of responses, Hamlin and

Hertzog teach the use of databases, the use of fields, and the use of browsers. Hamlin

provides the survey database with questions, the sending of requests, the sending of

responses, and using web browsers, Piller provides compiled class files, and Hertzog

provides the markup languages and field types.

   6. As per independent claim 10, the "...survey database comprising the one

or more questions...," is taught by Hamlin at col. 13, lines 45-49 and col. 14, lines 12-14,

the "...and data identifying a type of input field...," is taught by Hertzog at p. 8, par. 0094,

the "...for each question...," is taught by Hamlin at col. 14, lines 12-14,

the "...a network resource including the electronic survey..." is taught by Hamlin at col.

5, lines 14-22,

the "...and a software component for receiving and responding to requests for the

network resource...," is taught by Hamlin at col. 12, lines 27-29 and col. 12, lines 45-48,

the "...software component operative to determine whether a previously compiled class

file...," is taught by Piller at col. 6, lines 11-17,

the "...should be utilized to respond to a request for the network resource...," is taught

by Hamlin at col. 6, lines 34-14, col. 12, lines 27-29, and col. 12, lines 45-48,

the "...to create an executable class file...," is taught by Piller at col. 9, lines 19-22,

the "...capable of generating markup language...," is taught by Hertzog at p. 10, par.

0109.

the "...for displaying the questions...," is taught by Hamlin at col. 7, lines 2-17,

the "...and the input fields...," is taught by Hamlin at col. 11, lines 27-29 and col. 10,

lines 37-39,

the "...in a web browser...," is taught by Hamlin at col. 5, lines 62-65,

the "...in response to determining that a previously compiled class file...," is taught by

Piller at col. 6, lines 11-17,

the "...should not be utilized...," is taught by Hamlin at col. 6, lines 13-14,

the "...to execute the class file...," is taught by Piller at col. 9, lines 19-22,

the "...and to respond to the request with the markup language...," is taught by Hertzog

at p. 19, par. 0205 and p. 19, par. 0206,

and the "...generated by the execution of the class file...," is taught by Piller at col. 9,

lines 19-22.

        7.   As per independent claim 15, the "...determine whether a request has

been received for a network resource that includes an electronic survey...," is taught by

Hamlin at col. 5, lines 5, lines 14-21,

the "...in response to determining that a request for said the network resource has been

received...," is taught by Hamlin at col. 5, lines 14-21,

the "...determining whether a previously compiled class file...," is taught by Piller at col.

6, lines 11-17,

the "...should be utilized to respond to said the request...," is taught by Piller at col. 6,

lines 13-14 and col. 12, lines 27-29,

the "...in response to determining that a previously compiled class file...," is taught by

Piller at col. 6, lines 11-17,

the "...should not be utilized...," is taught by Hamlin at col. 6, lines 13-14,

the "...creating an executable class file...," is taught by Piller at col. 9, lines 19-22,

the "...capable of retrieving one or more questions...," is taught by Hamlin at col. 4,

lines 46-48 and col. 14, lines 12-14,

the "...and corresponding input fields...," is taught by Hertzog at p. 8, par. 0094,

the "...from a survey database...," is taught by Hamlin at col. 13, lines 45-49,

the "...and generating content...," is taught by Piller at col. 7, lines 33-35,

the "...capable of displaying said the questions...," is taught by Hamlin at col. 7, lines 2-

17,

the "...and said the input fields...," is taught by Hertzog at p. 8, par. 0094,

the "...in a web browser...," is taught by Hamlin at col. 5, lines 62-65,

the "...and executing said the class file...," is taught by Piller at col. 9, lines 19-22,

the "...and transmitting said the content generated by said the class file...," is taught by

Piller at col. 14, lines 23-25, col. 7, lines 33-35, and col. 9, lines 19-22,

and the "...in response to said the request...," is taught by Hamlin at col. 12, lines 27-

29.

     8.   As per claim 4, the "...survey database...," is taught by Hamlin at col. 13,

lines 45-49,

the "...further comprises data indicating how the input fields...," is taught by Hamlin at

col. 11, lines 27-29 and col. 10, lines 37-39,

and the "...for each question should be displayed...," col. 7, lines 2-17.

     9.   As per claim 5, the "...survey database...," is taught by Hamlin at col. 13,

lines 45-49,

the "...further comprises data indicating a sequence for the one or more questions...," is

taught by Hamlin at col. 9, lines 10-15,

the "...and wherein the one or more questions are ordered according to the

sequence...," is taught by Hamlin at col. 9, lines 10-15,

and the "...when the class file is executed...," is taught by Piller at col. 9, lines 19-22.

     10.   As per claim 6, the "...survey database...," is taught by Hamlin at col. 13,

lines 45-49,

the "...further comprises data indicating whether each of the one or more questions...,"

is taught by Hamlin at col. 14, lines 12-14,

the "...should be included in the electronic survey...," is taught by Hamlin at col. 12, lines

18-20 and col. 13, lines 45-49,

the "...and wherein the class file...," is taught by Piller at col. 6, lines 11-17,

the "...does not generate markup language...," is taught by Hertzog at p.10, par. 0109,

the "...for each of the one or more questions...," is taught by Hamlin at col. 14, lines 12-

14,

and the "...not to be included in the survey when executed...," is taught by Hamlin at col.

12, lines 18-20, col. 13, lines 45-49, and col. 6, lines 52-53.

11.   As per claim 16, the "...execute the previously compiled class file...," is

taught by Piller at col. 9, lines 19-22 and col. 6, lines 11-17,

the "...in response to determining that the previously compiled class file...," is taught by

Piller at col. 6, lines 11-17,

the "...should be utilized...," is taught by Hamlin at col. 6, lines 13-14,

the "...and responding to the request...," is taught by Hamlin at col. 12, lines 27-29,

and the "...with content generated by the previously compiled class file...," is taught by

Piller at col. 7, lines 32-34 and col. 6, lines 11-17.

12.   Claims 2, 3,11-14, 17-20, 24, and 25 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Hamlin, Piller, and Hertzog as applied to the claims above,

and further in view of Kraft et al. (U.S. Patent No. 6,832,239).

As per claim 2, the "...determining whether a previously compiled class file...," is

taught by Piller at col. 6, lines 11-17,

the "...should be utilized...," is taught by Hamlin at col. 6, lines 13-14,

the "...comprises determining whether the request for the network resource...," is taught

by Hamlin at col. 5, lines 14-22,

the "...for the network resource...," is taught by Hamlin at col. 5, lines 14-22,

but the "...was a first request...," is not taught by either Hamlin, Piller, or Hertzberg.

However, Kraft teaches the use of first requests as follows:

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"...A request manager 204A receives initial requests for resources
such as files from a client application 208..." at col. 5, lines
13-14.
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It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Kraft with Hamlin, Piller, and Hertzog to use initial requests in order to use a standard procedure to ask for resources such as files and gain greater acceptance of the system. Hamlin, Piller, Hertzog, and Kraft have related applications and use related technologies. Hamlin, Piller, Hertzog, and Kraft teach the use of computers, the use of networks, the use of clients, the use of servers, the sending of requests, and the sending of responses, Hamlin, Hertzog, and Kraft teach the use of databases, the use of fields, and the use of browsers. Hamlin provides the survey database with questions, the sending of requests, the sending of responses, and using web browsers, Piller provides compiled class files, Hertzog provides the markup languages and field types, and Kraft provides initial requests.

13.　　As per claims 3 and 11, the "...determining whether a previously compiled class file...," is taught by Piller at col. 6, lines 11-17,

the "...should be utilized...," is taught by Hamlin at col. 6, lines 13-14,

the "...comprises determining whether the request for the network resource...," is taught by Hamlin at col. 5, lines 14-22,

the "...was a first request...," is taught by Kraft at col. 5, lines 13-14,

the "...for the network resource...," is taught by Hamlin at col. 5, lines 14-22,

the "...or whether a web server...," is taught by Piller at col. 10, lines 47-49,

the "...operative to provide the network resource...," is taught by Hamlin at col. 5, lines 14-22,

the "...was reset...," is taught by Hertzog at p. 18, par. 0192,

the "...since the last time...," is taught by Hamlin at col. 8, lines 61-63 and col. 2, lines 7-9,

and the "...network resource was accessed...," is taught by Hamlin at col. 5, lines 14-22.

14.   As per claim 12, the "...survey database...," is taught by Hamlin at col. 13, lines 45-49,

the "...further comprises data indicating how the input fields...," is taught by Hamlin at col. 11, lines 27-29 and col. 10, lines 37-39,

and the "...for each question should be displayed...," col. 7, lines 2-17.

15.   As per claim 13, the "...survey database...," is taught by Hamlin at col. 13, lines 45-49,

the "...further comprises data indicating a sequence for the one or more questions...," is taught by Hamlin at col. 9, lines 10-15,

the "...and wherein the one or more questions are ordered according to the sequence...," is taught by Hamlin at col. 9, lines 10-15,

and the "...when the class file is executed...," is taught by Piller at col. 9, lines 19-22.

16.   As per claim 14, the "...survey database...," is taught by Hamlin at col. 13, lines 45-49,

the "...further comprises data indicating whether each of the one or more questions...," is taught by Hamlin at col. 14, lines 12-14,

the "...should be included in the electronic survey...," is taught by Hamlin at col. 12, lines 18-20 and col. 13, lines 45-49,

the "...and wherein the class file...," is taught by Piller at col. 6, lines 11-17,

the "...does not generate markup language...," is taught by Hertzog at p. 10, par. 0109,,

the "...for each of the one or more questions...," is taught by Hamlin at col. 14, lines 12-14,

and the "...not to be included in the survey when executed...," is taught by Hamlin at col. 12, lines 18-20, col. 13, lines 45-49, and col. 6, lines 52-53.

      17.   As per claim 17, the "...utilize the previously compiled class file...," is taught by Piller at col. 6, lines 11-17,

the "...if the request for the network resource is not a first request for the network resource...," is taught by Kraft at col. 8, lines 25-34 and col. 5, lines 13-14,

the "...and if a software component for receiving the request...," is taught by Hamlin at col. 5, lines 14-22,

"...has not been reset...," is taught by Hertzog at p. 18, par. 0192,

the "...since a previous request...," is taught by Hamlin at col. 10, lines 47-50,

and the "...for the network resource...," is taught by Hamlin at col. 5, lines 14-22.

      18.   As per claim 18, the "...retrieve data from the survey database...," is taught by Hamlin at col. 13, lines 57-61 and col. 13, lines 45-49,

the "...indicating whether each of the one or more questions...," is taught by Hamlin at col. 7, lines 2-17,

the "...should be included in the response to the request...," is taught by Piller at col. 5, lines 10-11 and col. 11, lines 56-62,

the "...and to create the class file in such a manner...," is taught by Piller at col. 9, lines 19-22,

the "...as to cause the class file only to generate content...," is taught by Piller at col. 6,

lines 11-17 and col. 7, lines 32-34,

the "...for displaying each of the one or more questions...," is taught by Hamlin at col. 7,

lines 2-17,

and the "...to be included in the response...," is taught by Piller at col. 5, lines 10-11 and

col. 11, lines 56-62.

     19.   As per claim 19, the "...retrieve data from the survey database...," is taught

by Hamlin at col. 13, lines 57-61 and col. 13, lines 45-49,

the "...indicating a sequence for each of the one or more questions...," is taught by

Hamlin at col. 9, lines 10-15,

the "...and to create the class file in such a manner...," is taught by Piller at col. 9, lines

19-22,

the "...as to cause the class file to generate content...," is taught by Piller at col. 6, lines

11-17 and col. 7, lines 32-34,

the "...for displaying each of the one or more questions...," is taught by Hamlin at col. 7,

lines 2-17,

and the "...according to the sequence specified by the survey database....," is taught by

Hamlin at col. 9, lines 10-15 and col. 12, lines 45-49.

     20.   As per claim 20, the "...web server computer...," is taught by Piller at col.

10, lines 47-49,

the "...is operative to receive response data...," is taught by Hamlin at col. 10, lines 2-4,

the "..corresponding to the input fields...," is taught by Hamlin at col. 11, lines 27-29 and col. 10, lines 37-39,

and the "...and to store the response data in a database...," is taught by Hamlin at col. 13, lines 45-49.

21.   As per claim 24, the "...causing the computer to retrieve data from the survey database...," is taught by Hamlin at col. 13, lines 57-61 and col. 13, lines 45-49,

the "...indicating whether each of the one or more questions...," is taught by Hamlin at col. 7, lines 2-17,

the "...should be included in the response to the request...," is taught by Piller at col. 5, lines 10-11 and col. 11, lines 56-62,

the "...comprises causing the computer to retrieve only data from the survey database...," is taught by Hamlin at col. 13, lines 57-61 and col. 13, lines 45-49,

and the "...associated with an indicator that the data is active...," is taught by Hamlin at col. 8, lines 9-11 and col. 8, lines 25-34.

For claim 24, the term "working" is used to suggest the term "active".

22.   As per claim 25, the "...cause the computer to store the response data in a table within the database...," is taught by Hamlin at col. 11, lines 47-50 and col. 8, lines 1-4

and the "...such that the response data is associated with each corresponding question...," is taught by Hamlin at col. 7, lines 24-27..

23.   Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hamlin, Piller, and Hertzog as applied to claim 6 above, and further in view of

Underwood (U.S. Patent No. 6,609,128).

As per claim 7, the "...survey database...," is taught by Hamlin at col. col. 13,

lines 45-49,

the "...corresponding to the electronic survey...," is taught by Hamlin at col. col. 13, lines

45-49,

but the "...further comprises an application name...,"

the "...form name...,"

and the "...and a version number...," are not taught by either Hamlin, Piller, or Hertzog.

However, Underwood teaches the use of an application name, a form name, and

a version number as follows:

```
"...The title of the page should reflect the application name
"/" activity name..." at col. 175, lines 13-15.
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"...Set the HTML name of the form..." at col. 63, lines 32-34.
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"...VSS uses version numbers to keep track of every change one
makes to your files and projects..." at col. 255, lines
66-67.
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It would have been obvious to one ordinarily skilled in the art at the time of the

invention to combine Underwood with Hamlin, Piller, and Hertzog to use application

names, form names, and version numbers in order to allow the markup languages to

address different components of the system. Hamlin, Piller, Hertzog, and Underwood

have related applications and use related technologies. Hamlin, Piller, Hertzog, and

Underwood teach the use of computers, the use of networks, the use of clients, the use

of servers, the sending of requests, and the sending of responses and Hamlin, Hertzog,

and Underwood teach the use of databases, the use of fields, and the use of browsers.

Hamlin provides the survey database with questions, the sending of requests, the

sending of responses, and using web browsers, Piller provides compiled class files, and

Hertzog provides the markup languages and field types, and Underwood provides

application names, form names, and version numbers.

24.   As per claim 8, the "...request is received at a web server computer...," is

taught by Piller at col. 12, lines 21-24 and col. 10, lines 47-49,

the "...maintaining the network resource...," is taught by Hamlin at col. 5, lines 15-21,

and the "...from a web browser...," is taught by Hamlin at col. 5, lines 62-65.

25.   As per claim 9, the "...web server computer...," is taught by Piller at col.

10, lines 47-49,

the "...is operative to receive response data...," is taught by Hamlin at col. 10, lines 2-4,

the "..corresponding to the input fields...," is taught by Hamlin at col. 11, lines 27-29 and

col. 10, lines 37-39,

and the "...and to store the response data in a database...," is taught by Hamlin at col.

13, lines 45-49.

26.   Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hamlin, Piller, Hertzog, and Kraft as applied to the claims above, and further in

view of Underwood.

As per claim 21, the "...causing the computer to retrieve data from the survey

database...," is taught by Hamlin at col. 13, lines 57-61 and col. 13, lines 45-49,

the "......indicating whether each of the one or more questions...," is taught by Hamlin at

col. 7, lines 2-17,

the "...should be included in the response to the request...," is taught by Piller at col. 5,

lines 10-11 and col. 11, lines 56-62,

the "...comprises causing the computer to retrieve only data from the survey

database...," is taught by Hamlin at col. 13, lines 57-61 and col. 13, lines 45-49,

the "...of the electronic survey...," is taught by Hamlin at col. 13, lines 57-61,

but the "...associated with a requested version...," is not taught by either Hamlin, Piller,-

Hertzog, or Kraft.

However, Underwood teaches using requested versions as follows:

"...VSS uses version numbers to keep track of every change one
makes to your files and projects..." at col. 255, lines
66-67.

It would have been obvious to one ordinarily skilled in the art at the time of the

invention to combine Underwood with Hamlin, Piller, Hertzog, and Kraft to use version

numbers in order to allow the markup languages to address different components of the

system. Hamlin, Piller, Hertzog, Kraft, and Underwood have related applications and

use related technologies. Hamlin, Piller, Hertzog, Kraft, and Underwood teach the use

of computers, the use of networks, the use of clients, the use of servers, the sending of

requests, and the sending of responses and Hamlin, Hertzog, Kraft, and Underwood

teach the use of databases, the use of fields, and the use of browsers. Hamlin provides

the survey database with questions, the sending of requests, the sending of responses,

and using web browsers, Piller provides compiled class files, and Hertzog provides the

markup languages and field types, Kraft provides initial requests, and Underwood

provides version numbers.

27.   As per claim 22, the "...causing the computer to retrieve data from the

survey database...," is taught by Hamlin at col. 13, lines 57-61 and col. 13, lines 45-49,

the "...indicating whether each of the one or more questions...," is taught by Hamlin at

col. 7, lines 2-17,

the "...should be included in the response to the request...," is taught by Piller at col. 5,

lines 10-11 and col. 11, lines 56-62,

the "...comprises causing the computer to retrieve only data from the survey

database...," is taught by Hamlin at col. 13, lines 57-61 and col. 13, lines 45-49,

and the "...associated with a requested form name...," is taught by Underwood at col.

63, lines 32-34.

28.   As per claim 23, the "...causing the computer to retrieve data from the

survey database...," is taught by Hamlin at col. 13, lines 57-61 and col. 13, lines 45-49,

the "...indicating whether each of the one or more questions...," is taught by Hamlin at

col. 7, lines 2-17,

the "...should be included in the response to the request...," is taught by Piller at col. 5,

lines 10-11 and col. 11, lines 56-62,

the "...comprises causing the computer to retrieve only data from the survey

database...," is taught by Hamlin at col. 13, lines 57-61 and col. 13, lines 45-49,

and the "...associated with a requested software application...," is taught by Underwood

at col. 175, lines 13-15.

Response to Arguments

29.   Applicants' arguments filed 27 December 2004 have been fully considered

but they are not persuasive. In the first argument for independent claim 1 on page 8,

paragraph, 2 the Applicants state:

"Independent claim 1 was rejected under 35 U.S.C. §103 (a) as being obvious over
Hamlin in view of Piller and Austin. The applicants submit that the cited combination
fails to teach, suggest, or describe each recitation of independent claim 1. Specifically,
the cited combination fails to describe a "database comprising the one or more
questions and data identifying a type of input field for each question" as recited by claim
1. The Office Action suggests that Austin teaches "data identifying a type of input field."
The applicants respectfully disagree. The cited portion of Austin describes three parts of
a packet of bytes within a message. Nothing within those three parts describes data
identifying a type of input field in the context recited by claim 1. Data identifying a type
of input field, as recited by claim 1, describes the type of field to be generated for
accepting user input for each associated question in the survey. Page 9, lines 22-26 of
the present specification states, "For instance,, the response type field 44E may indicate
that a text field for entering numbers, words, or other small pieces of text, a text area
field for free-form, multi-line text entries, a radio button for picking one item in a list, or
other type of input field should be displayed." The cited portion of Austin does not
describe a type of user input field for responding to a question."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been

considered but are moot in view of the new ground(s) of rejection. The Austin reference

has been replaced by the Hertzog reference, which teaches "data identifying a type of

input field" as follows:

"...Accordingly, each record within the current--information table
104 includes a contact identifier (contact_id),a field
identifier (field_id) and a field type (field_type)..." at p. 8,
par. 0094.

30.   In the second argument for independent claim 1 on page 8, paragraph 3

and page 9, paragraph 1, the Applicants state:

"Further, the cited combination fails to describe "in response to the request, determining
whether a previously compiled class file should be utilized to respond to the request" as

recited by claim 1. The Office Action acknowledges that Hamlin does not teach the use of class files and cites Piller as doing so. However, neither Hamlin nor Piller, alone or in combination, teaches or suggests determining whether a previously compiled file, class file or otherwise, should be used in response to a request for a network resource including the electronic survey. Similarly, the cited combination fails to describe "in response to determining that a previously compiled class file should not be utilized to respond to the request, creating an executable class file capable of generating markup language for displaying the questions and the input fields in a web browser" as recited by claim 1. According to the recitations of claim 1, if the determination is made that a previously compiled class file should not be utilized to respond to the request, an executable class file is created that is capable of generating markup language for displaying the questions and input fields in a web browser. The cited art cannot teach or suggest this recitation since the cited art does not teach making any determination as to whether or not to use a previously compiled file. Accordingly, for at least these reasons, independent claim 1 is allowable over Hamlin in view of Piller and Austin."

The Examiner disagrees. Piller teaches the use of class files as follows:

"...The Java compiler may then be invoked to compile the .java file into a .class file for remote proxy object 22. The compiled class file can then be loaded into the computer system via a class loader which is a standard element in a Java environment. A .class file must be loaded before it is available for use by distributed processing computer system 10..." at col. 6, lines 11-17.

Hamlin teaches the use of a response to a request as follows:

"...Survey builder 294 contains interface data that defines an interface that can be used to create a survey..." at col. 6, lines 13-14.

"...Therefore, a banner for that particular survey is placed in the Web page that is returned to John Smith in response to his request..." at col. 12, lines 27-29.

A combination of the Piller and Hamlim references teaches this limitation. Piller teaches

the previous compilation of a class file and Hamlin teaches the potential use of a

process to respond to a request. Likewise, the combined Hamlin references may be

used to teach the potential non use of a process to respond to a request. A combination

of Piller, Hertzog, and Hamlin teaches the remainder of this limitation. Piller teaches

"creating an executable class file" at col. 9, lines 19-22, Hertzog teaches "capable of

generating markup language" at p.10, par. 0109, and Hamlin teaches "for displaying the

questions" at col. 7, lines 2-17, "and the input fields" at col. 11, lines 27-29 and col. 10,

lines 37-39, and "in a web browser" at col. 5, lines 62-65.

31.   In the third argument for claim 2 on page 9, paragraph 2, the Applicants

state:

"Dependent claim 2 was rejected under 35 U.S.C. § 103 (a) as being obvious over
Hamlin in view of Piller and Austin. The applicants submit that the cited combination
fails to teach, suggest, or describe any recitation of dependent claim 2. As discussed
above with respect to independent claim 1, the cited art does not teach determining
whether a previously compiled class file should be utilized. Further, there is no teaching
within any of the cited references that describes or suggests making a determination as
to whether a request for a network resource including an electronic survey is a first
request. Hamlin teaches a request for a survey, but no determination is made as to
whether the request is a first request. Accordingly, for at least these reasons, and
because claim 2 depends from allowable independent claim 1, dependent claim 2 is
allowable over the cited art."

The Examiner disagrees. The response to the first argument shows that a combination

of Piller and Hamlin teaches "determining whether a previously compiled class file

should be utilized". The second limitation "making a determination as to whether a

request for a network resource including an electronic survey is a first request" is taught

by a combination of Hamlin and Kraft. Hamlin teaches "comprises determining whether

the request for the network resource" col. 5, lines 14-22 and "for the network resource"

at col. 5, lines 14-22 and Kraft teaches "was a first request" at col. 5, lines 13-14. Kraft

specifically teaches the use of initial requests for network resources. Since the

responses to the first two arguments have shown that independent claim 1 is rendered

obvious than claim 2 is still rendered obvious by its dependence on independent claim 1

and the other portions of this response to the third argument.

32.   In the fourth argument for claims 3, 11, and 17 on page 9, paragraph 3

and page 10, paragraph 1, the Applicants state:

"Dependent claims 3, 11, and 17 were rejected under 35 U.S.C. §103 (a) as being
obvious over Hamlin in view of Piller and Austin. The applicants submit that the cited
combination fails to teach, suggest, or describe any recitation of dependent claims 3,
11, and 17. As discussed above with respect to independent claim 1 and dependent
claim 2, the cited art fails to teach or suggest determining whether a previously
compiled class file should be utilized and determining whether said request for said
network resource was a first request for said network resource. Further, the cited art
fails to teach or suggest whether a web server operative to provide said network
resource or a software component was reset since the last time said network resource
was accessed as recited by claims 3, 11, and 17. Although the Office Action cites Austin
for teaching this recitation, the applicants respectfully submit that the referenced portion
of Austin only states that if a tag does not exist, then to create the tag. This is not
equivalent to determining whether a network resource or software component was reset
since the last access. Accordingly, for at least these reasons, and because claims 3, 11,
and 17 depend from allowable independent claims 1, 10, and 15, dependent claims 3,
11, and 17 are allowable over the cited art."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been

considered but are moot in view of the new ground(s) of rejection. The Austin reference

has been replaced by the Hertzog reference and the Kraft reference has been added to

address the limitation, which cites the use of a first request for a network resource. This

limitation was addressed in the response to the third argument. Hettzog teaches the use

of resetting as follows:

"...The publication of the relevant record may occur, merely for
example, by resetting a "deleted flag" (deleted_flag) maintained
within the relevant record within the current_information table
104..." at p. 18, par. 0192.

In this case the resetting of the flag indicates that the resource, a record is now

available for publishing. The combination of the Hamlin and Hertzog references teach

this limitation since Hamlin teaches "operative to provide the network resource" at col. 5,

lines 14-22 and "since the last time" at col. 8, lines 61-63 and col. 2, lines 7-9 and

Hertzog teaches "was reset" at p. 18, par. 0192.

33.   In the fifth argument for claims 6, 14, and 18-20 on page 10, paragraph 2,

the Applicants state:

"Dependent claims 6, 14, and 18-20 were rejected under 35 U.S.C. §103 (a) as being
obvious over Hamlin in view of Piller and Austin. Claims 7-9 were rejected under 35
U.S.C. § 103 (a) as being obvious over Hamlin in view of Piller, Austin, and Underwood.
The applicants submit that the cited combination fails to teach, suggest, or describe any
recitation of dependent claims 6-9, 14, and 18-20. The cited art does not describe or
suggest questions in a database that are not included in a survey if there is an
indication that the question should not be included. For example, Fig. 3 of the present
application shows fields for "application name," "form name," "version," and "active?." If
any of these parameters do not match the survey parameters, then the associated
question is not included. Because the cited art does not describe or suggest this
feature, and because claims 6-9, 14, and 18-20 depend from allowable independent
claims 1, 10, and 15, dependent claims 6-9, 14, and 18-20 are allowable over the cited
art."

The Examiner disagrees. Underwood teaches the use of the application name at col.

175, lines 13-15, the form name at col. 63, lines 32-24, and the version number at col.

255, lines 66-67. The only claim that addresses the use of an active indicator is new

claim 24. The Applicants have not provided any arguments above specifically

addressing either independent claim 10 or independent claim 15. These arguments for

these claims will be addressed in the appropriate responses to arguments for these

claims and the responses will show that these claims are still rendered obvious. The

Examiner does not agree that this argument is relevant to claims 14 and 18-20. Finally,

the inclusion of the language for claim 8 and all intervening claims into independent

claim 1 might make independent claim 1 allowable.

      34.   In the sixth argument for independent claim 10 on page 10, paragraph 3

and page 11, paragraph 1, the Applicants state:

"Independent claim 10 was rejected under 35 U.S.C. § 103 (a) as being obvious over
Hamlin in view of Piller and Austin. The applicants submit that the cited combination
fails to teach, suggest, or describe each recitation of independent claim 10. In particular,
the cited combination fails to describe "a survey database comprising the one or more
questions and data identifying a type of input field for each question," "the software
component operative to determine whether a previously compiled class file should be
utilized to respond to a request for the network resource," and "to create an executable
class file capable of generating markup language for displaying the questions and the
input fields in a web browser in response to determining that a previously compiled
class file should not be utilized" as recited in claim 10. For at least the same reasons
discussed above with respect to independent claim 1, independent claim 10 is allowable
over Hamlin in view of Piller and Austin."

The Examiner disagrees. The first limitation is taught by a combination of the Hamlin

and Hertzog references. Hamlin teaches "survey database comprising the one or more

questions" at col. 13, lines 45-49 and col. 14, lines 12-14 and "for each question" at col.

14, lines 12-14 and Hertzog teaches "and data identifying a type of input field" is taught

by Hertzog at p. 8, par. 0094. The second limitation is taught by a combination of Piller

and Hamlin. Piller teaches "software component operative to determine whether a

previously compiled class file" at col. 6, lines 11-17 and Hamlin teaches "should be

utilized to respond to a request for the network resource" at col. 6, lines 34-14, col. 12,

lines 27-29, and col. 12, lines 45-48. The third limitation is taught by a combination of

Piller, Hertzog, and Hamlin. Piller teaches "to create an executable class file" at col. 9,

lines 19-22 "in response to determining that a previously compiled class file" at col. 6,

lines 11-17, Hertzog teaches "capable of generating markup language" at p. 10, par.

0109, and Hamlin teaches "for displaying the questions" at col. 7, lines 2-17, "and the

input fields" at col. 11, lines 27-29 and col. 10, lines 37-39, "in a web browser" at col. 5,

lines 62-65, and "should not be utilized" is taught by Hamlin at col. 6, lines 13-14. The

arguments for independent claim 1 have been addressed in the responses to the first

two arguments.

35.   In the seventh argument for independent claim 15 on page 11, paragraph

2, the Applicants state:

"Independent claim 15 was rejected under 35 U.S.C. §103 (a) as being obvious over
Hamlin in view of Piller and Austin. The applicants submit that the cited combination
fails to teach, suggest, or describe each recitation of independent claim 15. In particular,
the cited combination fails to describe a computer-readable medium comprising
computer-readable instructions which, when executed by a computer, cause the
computer to "in response to determining that a request for the network resource has
been received, determining whether a previously compiled class file should be utilized
to respond to the request" and "in response to determining that a previously compiled
class file should not be utilized, creating an executable class file capable of retrieving
one or more questions and corresponding input fields from a survey database" as
recited by claim 15. For at least the same reasons discussed above with respect to
independent claim 1, independent claim 15 is allowable over Hamlin in view of Piller
and Austin."

The Examiner disagrees. The use of a computer-readable medium comprising

computer-readable instructions is inherent is any application that uses a computer. This

limitation is met by each of Hamlin, Piller, and Hertzog. The first limitation is taught by a

combination of Hamlin and Piller. Hamlin teaches "in response to determining that a

request for said the network resource has been received" at col. 5, lines 14-21 and Piller

teaches "determining whether a previously compiled class file" at col. 6, lines 11-17 and

"should be utilized to respond to said the request" at col. 6, lines 13-14 and col. 12, lines

27-29. The second limitation is taught by a combination of Piller, Hamlin, and Hertzog.

Piller teaches "in response to determining that a previously compiled class file" at col. 6,

lines 11-17 and "creating an executable class file" at col. 9, lines 19-22, Hamlin teaches

"should not be utilized" at col. 6, lines 13-14, "capable of retrieving one or more

questions" at col. 4, lines 46-48 and col. 14, lines 12-14, and "from a survey database"

at col. 13, lines 45-49, and Hertzog teaches "and corresponding input fields," at p. 8,

par. 0094. The arguments for independent claim 1 have been addressed in the

responses to the first two arguments.

36.   In the eighth argument for claims 4, 5, 12, 13, and 15 on page 11,

paragraph 3, the Applicants state:

"Because the prior art of record fails to teach, suggest, or describe the recitations of
claims 4-5, 12-13, and 16 and because claims 4-5, 12-13, and 16 depend from
allowable independent claims 1, 10, and 15, dependent claims 4-5, 12-13, and 16 are
allowable over the cited art.

The Examiner disagrees. Since the responses to the first, second, sixth, and seventh

arguments has shown that independent claims 1, 10, and 15 are rendered obvious,

claims 4 and 5, depend on independent claim 1, claims 12 and 13, depend on

independent claim 10, claim 16 depends on independent claim 15, and no additional

arguments have been provided for any of these claims, then claims 4, 5, 12, 13, and 16

are still rendered obvious.

37.   In the ninth argument for new claims 21-25 on page 12, paragraph 1, the

Applicants state:

"The applicants have added new claims 21-25. Support for claims 21-24 is found on
page 10, lines 4-12 of the current specification. Support for claim 25 is found on page
10, line 28 -page 11, line 9 of the current specification. The applicants submit that
because the art of record fails to teach, suggest, or describe the recitations of claims
21-25, new claims 21-25 are allowable over the cited art."

The Examiner disagrees. Independent claim 15 is rendered obvious by the responses to the first, second, and seventh arguments. Since independent claim is rendered obvious and new claims 21-25 depend on independent claim 15, these claims are rendered obvious.

Conclusion

38.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
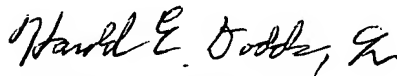
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

39.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is (571)-272-4110. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E. Breene can be reached on (571)-272-4107. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

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Harold E. Dodds, Jr.
Patent Examiner
April 28, 2005